

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Refund Section- Accounting Division
Office of Finance

2004 SEP 17 AM 10:36

Dep't of Pat
Room # 307

In Re: Application of: Dmitri BOTVICH

Serial No.: 10/650032

Filed: August 28, 2003

Title: METHOD AND SYSTEM FOR
BANDWIDTH ESTIMATION

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the above identified case, deposit account 06-1358 has been improperly debited. By this paper, a credit to deposit account 06-1358 is requested. An explanation of the debiting error is set out below, and copies of all documents in support of this request are attached.

Explanation of Error:

- ☐ Large Entity fee charged to Small Entity
- ☒ Fee should not have been charged to PTO account because it was paid by credit card (Form PTO-2038)
- ☐ PTO miscalculation
- ☐ Unknown and unidentifiable PTO charge

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Type of Charge and Amount of Refund Requested:

<u>X</u>	Extension of Time	\$ <u>420.00</u>
	TOTAL REFUND REQUESTED	\$ <u>420.00</u>

Comments:

On February 17, 2004 a Response to Notice to Filing Missing Parts was timely filed along with a substitute specification and Declaration. Upon review of the case, counsel noticed the wrong specification had been filed and on April 19, 2004 filed a further Response with the correct substitute specification along with a Petition for Two Months Extension of Time and Form PTO-2038 authorizing the \$420 government fee be charged to our American Express account. On April 20, 2004, undersigned counsel's American Express account was charged \$420.

On receipt of undersigned counsel's deposit account statement, it was noted that a further \$420 charge (for Two Months Extension of Time) was applied. Therefore, this second \$420 charge is in error and a credit should be issued to undersigned counsel's deposit account 06-1358.

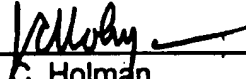
Attached Documents:

- X Deposit account statement (highlighted); American Express E-Statement (highlighted); Copy Response with postcard receipt filed 2/17/04 (w/o substitute specification); Copy Response and Extension of Time with postcard receipt filed 4/19/04 (w/o substitute specification)

Respectfully submitted

JACOBSON HOLMAN PLLC

By


John C. Holman
Registration No. 22,769
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

I.D.: JCH/dls
Folio: P69104US0
Date: September 10, 2004

APR 19 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Dmitri BOTVICH

Serial No.: 10/650032

Filed: August 28, 2003

Group Art Unit: 2631

For: METHOD AND SYSTEM FOR BANDWIDTH ESTIMATION

PETITION FOR EXTENSION OF TIME - TWO MONTHS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

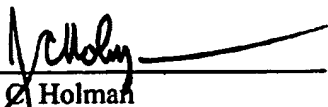
Applicant hereby petitions that an extension of the term necessary to render timely the filing of the accompanying response in the above-identified application be granted. Costs under 37 CFR 1.17(a)(1)-(5) for such extension(s) and/or any other fee due with this response, not fully covered by the enclosed credit card payment from, may be charged to our Deposit Account No. 06-1358 to keep this case alive. This does not include 37 CFR 1.16 fees when this extension accompanies a continuing application filed under Rule 53(f) without filing fee and/or Declaration.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Adjustment date: 10/25/2004 SDIRETA1
07720/2004 CCHAUI 00000115 061358 10650032
01 FC:1252 420.00 CR

By


John C. Holman
Registration No. 22,769
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

I.D.: JCH/dls
Folio: P69104US0
Date: April 19, 2004

Enclosure: Form PTO-2038

04/20/2004 YPOLITE1 00000095 10650032

01 FC:1252

420.00 OP

JCH-2/04 -111



United States Patent and Trademark Office

USPTO
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Deposit Account Statement

Requested Statement Month: July 2004
 Deposit Account Number: 061358
 Name: JACOBSON PRICE HOLMAN & STERN
 Attention: BRUCE LETCHWORTH
 Address: 400 SEVENTH STREET, N. W.
 City: WASHINGTON
 State: DC
 Zip: 20004

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/01	450	10499989	P69861US0 45H/11353	8021	\$40.00	\$34,856.74
07/02	176	10490864	P69621US0 JCH/684	8021	\$40.00	\$34,816.74
07/07	296	60486443	11472/P69022US0 JCH/11472	8007	\$40.00	\$34,776.74
07/08	1	60569250	P69717US0 JLS/13223	1005	-\$160.00	\$34,936.74
07/08	2	60569250	P69717US0 JLS/13223	2005	\$80.00	\$34,856.74
07/08	79	76257660	40	8402	\$300.00	\$34,556.74
07/09	1	10310143	5324 45H/11351/P68390 US0	1253	\$950.00	\$33,606.74
07/09	2	09926683	P67314US0 WEP/10496	1253	-\$950.00	\$34,556.74
07/12	1	10149920	P67912US0 6415 JCH	2202	\$9.00	\$34,547.74
07/12	19	76378055	T33108US0 mms/00162	6004	\$300.00	\$34,247.74
07/12	22	10836238	P69675US0 HBS/9951	1203	-\$290.00	\$34,537.74
07/12	198	60494097	P69070 US0 / WEP/10496	8007	\$20.00	\$34,517.74
07/12	473	PCT/US04/21657	P69728WO0	1601	\$300.00	\$34,217.74
07/12	474	PCT/US04/21657	P69728WO0	1603	\$300.00	\$33,917.74
07/12	475	PCT/US04/21657	P69728WO0	1701	\$1,053.00	\$32,864.74
07/12	476	PCT/US04/21657	P69728WO0	1703	\$36.00	\$32,828.74
07/14	4	2119093	T25385US0 JCH 10953	8206	\$100.00	\$32,728.74
07/14	5	10191430	P64234US2 JCH 1328	2252	\$210.00	\$32,518.74
07/14	187	1845544	11386/T26005CAOMGG/HPM	8503	\$15.00	\$32,503.74
07/15	22	76595274	6446/T34517US0 mms/0446	8507	\$15.00	\$32,488.74
07/16	200	60471355	P68859 US0 / HBS/12711	8007	\$20.00	\$32,468.74
07/16	204	10050779		8007	\$20.00	\$32,448.74
07/20	1	10053666	P67552US0 HBS/1203	1201	\$86.00	\$32,362.74
07/20	121	10650032	P68104US0 JCH/5855	1252	\$420.00	\$31,942.74
07/21	2	08809567	P60891 US0 / WEP/10498	9204	-\$130.00	\$32,072.74
07/22	360	0129090869	P65660IN0 JLS/11199	8014	\$25.00	\$32,047.74
07/23	63	09556673	HBS LHS/P65354 US0 / 00079	8007	\$20.00	\$32,027.74
07/23	83	2433595	13112/T31586CAO LNW/HPM	8503	\$15.00	\$32,012.74

April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 76306587 GOVERNMENT SERVICES Reference: 050120040420	150.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 10492644 GOVERNMENT SERVICES Reference: 050120040420	1,140.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 10650032 GOVERNMENT SERVICES Reference: 050120040420	420.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 1871600 GOVERNMENT SERVICES Reference: 050120040420	500.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 76484089 GOVERNMENT SERVICES Reference: 050120040420	100.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 1936137 GOVERNMENT SERVICES Reference: 050120040420	40.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 1874240 GOVERNMENT SERVICES Reference: 050120040420	500.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 10383737 GOVERNMENT SERVICES Reference: 050120040420	165.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 0866239 GOVERNMENT SERVICES Reference: 050120040420	40.00
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April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 29203647 GOVERNMENT SERVICES Reference: 050120040420	170.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 10443870 GOVERNMENT SERVICES Reference: 050120040420	950.00
April 20, 2004 US PATENT TRADEMARK 703-305-4631 VA 78405199 GOVERNMENT SERVICES Reference: 050120040420	335.00
April 21, 2004 US PATENT TRADEMARK 703-305-4631 VA 60505201 GOVERNMENT SERVICES Reference: 050120040421	40.00
April 21, 2004 US PATENT TRADEMARK 703-305-4631 VA 78022476 GOVERNMENT SERVICES Reference: 050120040421	150.00
April 22, 2004 US PATENT TRADEMARK 703-305-4631 VA	210.00

96

MISSING PARTS OF APPLICATION
APPLICATION BRANCH

Today's Date: February 17, 2004

Att'y: Skelt PG9104USQ
Serial: 10/650,032
Applicant: BOTVICH
Filing Date: 8/28/03

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Response to Notice to File Missing Parts of Nonprovisional Application
- ☒ Combined Declaration, Power of Attorney
- ☒ Substitute Specification

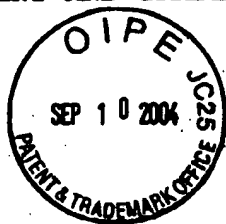
☒ Credit Card Form charge \$1990.00 DUE DATE: February 17, 2004

JACOBSON HOLMAN PLLC
400 SEVENTH STREET, NW
WASHINGTON, DC 20004

JCH/cmf



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Dmitri BOTVICH
Serial No.: 10/650,032
Filing Date: August 28, 2003

For: METHOD AND SYSTEM FOR BANDWIDTH ESTIMATION

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: APPLICATION BRANCH
MISSING PARTS OF APPLICATION

Sir:

With respect to the above-identified patent application, the following are filed herewith in response to the Notice to File Missing Parts of Nonprovisional Application under 37 C.F.R. §1.53(b), mailed December 17, 2003, copy attached.

- ☒ Declaration in compliance with 37 C.F.R. §1.63.
- ☒ Substitute Specification.
- ☐ Small Entity Declaration under 37 C.F.R. §§1.9 and 1.27.
- ☐ Certified copy of -- Application No. --, filed --, the priority of which is claimed under 35 U.S.C. §119.
- ☒ If a Petition for Extension of time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge and fees necessary under 37 CFR 1.17 (a) - (d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358.

Serial No.: 10/650,032

X Filing Fee, calculated as follows:

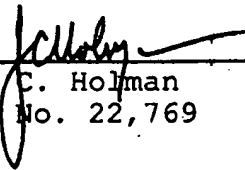
	<u>Small Entity</u>	<u>Large Entity</u>	
Basic Filing Fee	\$385.00	\$770.00	770.00
Total Claims <u>71</u> - 20 = <u>51</u>	(x \$9) =	(x \$18) =	918.00
Indep. Claims <u>5</u> - 3 = <u>2</u>	(x \$43) =	(x \$86) =	172.00
<u>X</u> Surcharge: Late Filing	+ \$65	+ \$130	130.00
			+
	TOTAL FILING FEES	\$	1990.00

A Credit Card Payment Form authorizing the amount of \$1990.00 is enclosed to cover the Filing Fee. The Commissioner is hereby authorized to debit or credit any fees set forth in \$1.16 or \$1.17 to Deposit Account No. 06-1358 as needed in order to effect proper filing of the application. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By


John C. Holman
Reg. No. 22,769

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666

Atty. Docket No.: P69104US0
Date: February 17, 2004
cmf



JE P69104USD Today's Date 4/19/04

Serial/Patent No. 10/650032

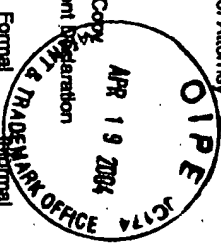
Applicant, Patentee, Assignee Dmitri BOTVICH

Filing Date/Patent Date August 28, 2003

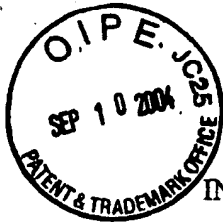
The following has been received in the U.S. Patent & Trademark Office on the date stamped here:

- ☐ pp. Specification & Claims ☒ Response to Office Action Notice of Missing Parts
- ☐ Combined Declaration, Power of Attorney
- ☐ Preliminary Amendment
- ☐ Rule 53 (b) Application
- ☐ Rule 53 (d) /RCE Application
- ☐ Claim to Priority and Certified Copy
- ☐ Substitute ☐ Subsequent Declaration
- ☐ Maintenance Fee
- ☐ Drawings Sheets Formal Informal
- ☐ Assignment/Change of Name
- ☐ Small Entity Declaration
- ☒ Check for \$ 420.00 Credit Card

JH 11/01 DUE DATE 4/17
Person filing DLS



☐ Issue Fee Transmittal
☒ Other Copy Response, Patent Del. postcard receipt fld.
JACOBSON HOLMAN PLLC
400 SEVENTH STREET, N.W.
WASHINGTON, D.C. 20004
Substitute specification and claims



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Dmitri BOTVICH

Serial No.: 10/650032

Filed: August 28, 2003

Group Art Unit: 2631

For: METHOD AND SYSTEM FOR BANDWIDTH ESTIMATION

PETITION FOR EXTENSION OF TIME - TWO MONTHS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

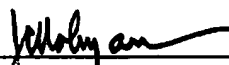
Sir:

Applicant hereby petitions that an extension of the term necessary to render timely the filing of the accompanying response in the above-identified application be granted. Costs under 37 CFR 1.17(a)(1)-(5) for such extension(s) and/or any other fee due with this response, not fully covered by the enclosed credit card payment from, may be charged to our Deposit Account No. 06-1358 to keep this case alive. This does not include 37 CFR 1.16 fees when this extension accompanies a continuing application filed under Rule 53(f) without filing fee and/or Declaration.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By


John C. Holman
Registration No. 22,769
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

I.D.: JCH/dls
Folio: P69104US0
Date: April 19, 2004

Enclosure: Form PTO-2038



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Dmitri BOTVICH

Serial No.: 10/650032

Filed: August 28, 2003

Group Art Unit: 2631

For: METHOD AND SYSTEM FOR BANDWIDTH ESTIMATION

RESPONSE TO NOTICE OF MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice to File Missing Parts was mailed December 17, 2003 requiring a Patent Declaration and a substitute specification. On February 17, 2004, a Patent Declaration was filed a substitute specification was filed but inadvertently the substitute specification was a copy of the original PCT/IE01/00030 and not the CIP application.

Attached hereto is a Petition for Two Months Extension of Time and the proper substitute specification for the CIP application originally filed on August 28, 2003. A comparison of the attached substitute specification will show that it is a duplicate in clean form of what was originally filed on August 28, 2003 and will further confirm that inadvertently the substitute specification filed February 17, 2004 was a copy of the PCT published application and not the CIP application.

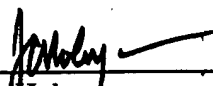
It is requested that the attached specification be substituted for the wrong specification submitted February 17, 2004 and it will be seen that there are no multiply dependent claims. The additional claim fees were paid with the submission of February 17, 2004 and the only additional fee is the two months Extension of Time at large entity, credit card form PTO-2038 enclosed. Should additional charges be required, they may be made against undersigned counsel's deposit account 06-1358.

In an abundance of caution a copy of the Patent Declaration and the date receipted postcard of February 17, 2004 along with the cover sheet is enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By


John C. Holman
Registration No. 22,769
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

I.D.: JCH/dls

Folio: P69104US0

Date: April 19, 2004

Enclosures: Proper CIP substitute specification and claims
Response to Notice of Missing Parts filed
February 17, 2004 w/postcard receipt
Copy Patent Declaration
Petition for Extension of Time
Form PTO-2038

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